

Message Text

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TO USLO PEKING

C O N F I D E N T I A L STATE 120640

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E.O. 11652: GDS

TAGS:SCUL, CH

SUBJ: CHINESE ARCHEOLOGICAL EXHIBITION: PROTOCOL

FOLLOWING INSTRUCTIONS REFER TO PROTOCOL TO BE SIGNED BY
US AND PRC ORGANIZATIONS RESPONSIBLE FOR EXHIBITION.

YOU MAY TELL CHINESE THAT WE ARE IN AGREEMENT WITH
SUBSTANCE OF DRAFT PROTOCOL PRESENTED BY PRC. OUR
SUGGESTED ALTERATIONS ARE SET OUT IN THE TEXT BELOW.
STYLISTIC OR TRANSLATION CHANGES ARE DESIGNATED BY
BRACKETS. CHANGES REQUIRING AMENDMENTS TO THE CHINESE
CHARACTER TEXT ARE UNDERLINED. AS NOTED EARLIER, WE
ANTICIPATE TWO EQUALLY AUTHENTIC TEXTS, IN CHINESE AND
ENGLISH, EACH TO BE SIGNED BY BOTH SIDE'S REPRESENTATIVES.
BEGIN PROTOCOL DRAFT TEXT:

AGREEMENT BETWEEN THE U.S. COMMITTEE FOR THE CHINESE
EXHIBITION OF THE NATIONAL GALLERY OF ART OF THE UNITED
STATES OF AMERICA AND THE COMMITTEE FOR THE ORGANIZATION
OF EXHIBITIONS OF ARCHAEOLOGICAL FINDS OF THE PEOPLE'S
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REPUBLIC OF CHINA CONCERNING "THE EXHIBITION OF

ARCHAEOLOGICAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA".

BEGIN UNDERLINE SUBJECT TO END UNDERLINE THE EXCHANGE OF LETTERS BETWEEN, VICE MINISTER OF FOREIGN AFFAIRS OF THE PEOPLE'S REPUBLIC OF CHINA, AND DAVID BRUCE, CHIEF OF THE LIAISON OFFICE OF THE UNITED STATES OF AMERICA IN CHINA, CONCERNING "THE EXHIBITION OF ARCHAEOLOGICAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA," THE U.S. COMMITTEE FOR THE CHINESE EXHIBITION OF THE NATIONAL GALLERY OF ART OF THE UNITED STATES OF AMERICA (HEREINAFTER REFERRED TO AS THE U.S. SIDE) AND THE COMMITTEE FOR THE ORGANIZATION OF EXHIBITIONS OF ARCHAEOLOGICAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA (HEREINAFTER REFERRED TO AS THE CHINESE SIDE) HAVE AGREED AS FOLLOWS:

ARTICLE I

THE CHINESE SIDE BEGIN BRACKET SHALL END BRACKET PROVIDE THE UNITED STATES SIDE WITH THE BEGIN UNDERLINE EXHIBITS, CONSISTING OF OBJECTS, AND AUXILIARY EXHIBITS SUCH AS PHOTOGRAPHS AND DOCUMENTS. END UNDERLINE ANNEX A TO THE ABOVE-MENTIONED EXCHANGE OF LETTERS CONTAINS A LIST BEGIN UNDERLINE OF EXHIBITS AND ANNEX B GIVES INDIVIDUAL VALUATIONS OF THE OBJECTS AND GROUP VALUATIONS OF THE AUXILIARY EXHIBITS. END UNDERLINE THE UNITED STATES SIDE SHALL MAKE NO ALTERATIONS IN REGARD TO THE NAME, FOREWORD, CHARTS AND CAPTIONS OF THE EXHIBITION AND THE ORDER OF DISPLAY OF THE EXHIBITS AS PRESCRIBED BY THE CHINESE SIDE.

ARTICLE II

BEGIN UNDERLINE AT THE TIME OF HANDING OVER IN TORONTO AND PEKING, END UNDERLINE (COMMENT: WE ASSUME THAT THIS IS WHEN CHINESE WANT PHOTOGRAPHY TO TAKE PLACE. END COMMENT) EACH OBJECT SHALL BE PHOTOGRAPHED AND, WHERE AN OBJECT HAS BEEN DAMAGED OR REPAIRED, AS MANY PHOTOGRAPHS AS ARE NECESSARY WILL BE TAKEN OF IT. AFTER VERIFYING THESE PHOTOGRAPHS WITH THE ORIGINAL OBJECTS, THE REPRESENTATIVES OF BOTH SIDES WILL SIGN THE RELEVANT PHOTOGRAPHS. CONFIDENTIAL

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(COMMENT: WE SUGGEST DELETING LAST SENTENCE OF PRC VERSION ART. II AS RETURN IS COVERED IN EXCHANGE OF LETTERS END COMMENT).

ARTICLE III

THE CHINESE SIDE BEGIN BRACKET SHALL END BRACKET HAND OVER THE BEGIN BRACKET EXHIBITS END BRACKET TO THE

UNITED STATES SIDE IN TORONTO. REPRESENTATIVES OF BOTH SIDES SHALL BE PRESENT AT THE MOMENT OF HANDOVER AND PACKING. EACH BEGIN UNDERLINE OBJECT SHALL END UNDERLINE BE EXAMINED AND A REPORT WRITTEN ON IT, WHICH SHALL BE SIGNED BY REPRESENTATIVES OF BOTH SIDES. WHEN THE OBJECTS ARE UNPACKED AFTER ARRIVAL IN THE UNITED STATES, REPRESENTATIVES OF BOTH SIDES SHALL EXAMINE THE BEGIN UNDERLINE OBJECTS END UNDERLINE AND WRITE AND SIGN REPORTS ON THEM. (COMMENT: WE HAVE ALTERED USAGE OF THESE WORDS ON

ASSUMPTION THAT METICULOUS EXAMINATION PROCESS IS NOT INTENDED TO APPLY TO AUXILIARY EXHIBITS END COMMENT).

ARTICLE IV

BEGIN UNDERLINE WHEN THE EXHIBITS ARE RETURNED TO PEKING AFTER CLOSE OF THE EXHIBITION IN THE UNITED STATES, BEFORE THE OBJECTS ARE HANDED OVER BY A REPRESENTATIVE OF THE UNITED STATES GOVERNMENT TO A REPRESENTATIVE OF THE CHINESE GOVERNMENT, THE REPRESENTATIVES OF BOTH SIDES SHALL EXAMINE THE CONDITION OF THE OBJECTS AND SIGN THE REPORTS WHICH THEY HAVE WRITTEN ON THEM. END UNDERLINE (COMMENT: WE HAVE REVISED THIS ARTICLE ON THE ASSUMPTION THAT WE WILL CONTINUE TO BE RESPONSIBLE FOR THE EXHIBITS UNTIL THEY ARE HANDED BACK IN PEKING END COMMENT).

ARTICLE V

AFTER THE BEGIN UNDERLINE OBJECTS END UNDERLINE HAVE ARRIVED IN THE UNITED STATES AND HAVE BEEN PUT INTO SHOWCASES BEGIN UNDERLINE IN THE NATIONAL GALLERY OF ART IN WASHINGTON, D.C. AND IN THE NELSON GALLERY-ATKINS MUSEUM IN KANSAS CITY, MISSOURI, END UNDERLINE THE SHOW-
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CASES SHALL BE IMMEDIATELY SEALED WITH PIECES OF PAPER ON WHICH THE REPRESENTATIVES OF BOTH SIDES HAVE AFFIXED THEIR SIGNATURES, AND NEITHER SIDE MAY BREAK THE SEALS UNILATERALLY BEGIN UNDERLINE EXCEPT FOR THE PURPOSE OF TRANSPORTATION FROM WASHINGTON, D.C. TO KANSAS CITY, AND FROM KANSAS CITY TO PEKING. END UNDERLINE WHILE THE OBJECTS ARE IN THE UNITED STATES, THEY MAY NOT BE TAKEN OUT OF THE SHOWCASES FOR REPRODUCTION, COPYING OR PHOTOGRAPHING WITHOUT PERMISSION OF THE CHINESE SIDE.

ARTICLE VI

BEGIN BRACKET WITH THE EXCEPTION OF THE COSTS OF TRANSPORTATION OF THE EXHIBITS AS PROVIDED FOR IN THE EXCHANGE OF LETTERS OF TODAY'S DATE END BRACKET BETWEEN

VICE FOREIGN MINISTER AND CHIEF OF THE U.S. LIAISON
OFFICE DAVID BRUCE CONCERNING THE EXHIBITION OF ARCHEOLO-
GICAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA, THE OTHER
BEGIN BRACKET COSTS END BRACKET OF THE EXHIBITION SHALL BE
DEALT WITH ACCORDING TO THE FOLLOWING PROVISIONS:

(1) BEGIN UNDERLINE THE CHINESE SIDE SHALL MAKE ARRANGE-
MENTS WITH THE CANADIAN AUTHORITIES CONCERNING
ASSEMBLING THE EXHIBITS AND PACKING THEM IN CANADA.
END UNDERLINE (COMMENT: WE HAVE ALTERED THIS PARAGRAPH

ON THE ASSUMPTION THAT ARTICLE VI - (1) TEXT PROVIDED BY
PRC IS OUT OF DATE END COMMENT)

(2) THE UNITED STATES SIDE BEGIN BRACKET SHALL END
BRACKET BEAR ALL THE BEGIN BRACKET COSTS END BRACKET CON-
NECTED WITH THE MOUNTING OF THE EXHIBITION IN THE UNITED
STATES, BEGIN UNDERLINE THE ASSEMBLING AND PACKING OF THE
EXHIBITS IN THE UNITED STATES FOR TRANSPORTATION TO
PEKING, AND THE UNPACKING OF THE EXHIBITS IN PEKING
BEFORE HANDOVER TO THE CHINESE SIDE. END UNDERLINE

(3) THE CHINESE SIDE WILL SEND FOUR OFFICIALS AND ONE
INTERPRETER TO ESCORT THE EXHIBITION. THEIR TRAVEL COSTS
TO AND FROM THE UNITED STATES BEGIN BRACKET SHALL END
BRACKET BE PAID BY THE CHINESE SIDE. THE UNITED STATES
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BEGIN BRACKET SHALL END BRACKET BEAR THE BOARD, LODGING,
TRAVELLING AND MEDICAL COSTS WHILE THE FOUR OFFICIALS AND
INTERPRETER ARE IN THE UNITED STATES.

ARTICLE VII

THE EXHIBITION SHALL BE HELD IN THE US ON A NON-PROFIT
BASIS. (COMMENT: OUR STATUTE ON IMMUNITY FROM SEIZURE RE-
QUIRES THAT THE DISPLAY OF ART OBJECTS NOT BE FOR PROFIT.
ADMISSION FEES WILL BE CHARGED IN KANSAS CITY, BUT
PROCEEDS WILL NOT EXCEED EXPENSES. END COMMENT)

ARTICLE VIII

THE CHINESE SIDE SHALL SUPPLY THE UNITED STATES SIDE WITH
THE DOCUMENTARIES "NEW DISCOVERIES IN ARCHAEOLOGY" AND
"CULTURAL RELICS DISCOVERED DURING THE CULTURAL REVOLU-
TION" FOR SHOWING IN THE UNITED STATES.

ARTICLE IX

ANY DIFFERENCES WHICH MAY ARISE IN CARRYING OUT THE TERMS

OF THIS AGREEMENT BEGIN UNDERLINE OR OTHERWISE IN CON-
NECTION WITH THE HOLDING OF THIS EXHIBITION SHALL END
UNDERLINE BE SETTLED THROUGH CONSULTATIONS BETWEEN THE
REPRESENTATIVES OF THE TWO SIDES. BEGIN BRACKET IF ANY
DIFFERENCES REMAIN UNRESOLVED, END BRACKET THEY SHALL
BE REFERRED TO THE OFFICIAL ORGANS BEGIN-UNDERLINE
REFERRED TO IN POINT NINE OF THE EXCHANGE OF LETTERS OF
TODAY'S DATE END UNDERLINE.

ARTICLE X

THIS AGREEMENT SHALL COME INTO FORCE ON SIGNATURE AND
SHALL REMAIN IN FORCE UNTIL THE COMPLETE FULFILLMENT BY
THE TWO SIDES OF ALL THEIR OBLIGATIONS ARISING THEREFROM.

DONE IN DUPLICATE AT PEKING ON, 1974 IN THE
ENGLISH AND CHINESE LANGUAGES, BOTH TEXTS BEING EQUALLY
AUTHENTIC.

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FOR THE US COMMITTEE FOR THE
CHINESE EXHIBITION OF THE
NATIONAL GALLERY OF ART OF THE
UNITED STATES OF AMERICA.

FOR THE COMMITTEE FOR THE
ORGANIZATION OF EXHIBITIONS OF
ARCHAEOLOGICAL FINDS OF THE
PEOPLE'S REPUBLIC OF CHINA.

END PROTOCOL DRAFT TEXT. KISSINGER

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